

**NINETEENTH LEGISLATIVE DAY
FRIDAY, JANUARY 24, 2003**

House of Representatives

The House convened at 8 a.m., the Speaker in the Chair.

Roll call showed 63 members present.

Absent and excused -- Crow, Deal, Henbest, McGeachin, Ridinger, Schaefer, Wood. Total -- 7.

Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Emilie Moncur, Page.

Approval of Journal

January 24, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eighteenth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

Report of Standing Committees

January 24, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HCR 10**, **HJR 1**, **H 97**, **H 98**, **H 99**, **H 100**, **H 101**, **H 102**, **H 103**, **H 104**, **H 105**, **H 106**, **H 107**, **H 108**, **H 109**, **H 110**, **H 111**, **H 112**, **H 113**, and **H 114**.

FIELD(18), Chairman

HCR 10 was referred to the Ways and Means Committee.

HJR 1, **H 110**, **H 111**, and **H 112** were referred to the State Affairs Committee.

H 97, **H 98**, **H 103**, **H 104**, and **H 114** were referred to the Transportation and Defense Committee.

H 99 and **H 101** were referred to the Revenue and Taxation Committee.

H 100 was referred to the Business Committee.

H 102, **H 105**, **H 106**, **H 107**, **H 108**, and **H 109** were referred to the Agricultural Affairs Committee.

H 113 was referred to the Local Government Committee.

January 23, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 72** and recommend that it do pass.

FIELD(18), Chairman

H 72 was filed for second reading.

January 23, 2003

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 33** and recommend that it do pass.

BLACK, Chairman

H 33 was filed for second reading.

January 23, 2003

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **H 4**, **H 5**, and **H 6** and recommend that they do pass.

STEVENSON, Chairman

H 4, **H 5**, and **H 6** were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 11

BY TRAIL

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF TAXATION MATTERS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, for many years the state's citizens enjoyed a balanced tax system which included components of the sales tax, individual income tax, corporate income tax and property tax; and

WHEREAS, because of a variety of factors, changes in state tax policy as well as federal changes in tax policy, the tax structure in place today has become seriously out of balance; and

WHEREAS, this imbalance has caused a fiscal crisis of the highest order for the state; and

WHEREAS, it is apparent that short-term or emergency reactions to the fiscal crisis result in ill-considered piecemeal and counter-productive tax measures; and

WHEREAS, many sales tax exemptions, many income tax credits and deductions and property tax exemptions have been enacted by the Legislature over the past three decades and these need to be examined to determine their relevance in today's

global economy and that we are moving from a goods-oriented to a service economy; and

WHEREAS, it is the desire of this Legislature that a tax structure should encourage economic development, and not hinder it.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of all aspects of the State's tax structure, with the goal of the committee's recommendation being to develop a strategy to implement a tax structure over the succeeding years that is fair and balanced in its application and effect, meets the revenue needs of the state, and encourages and assists economic development. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochair of the committee who are appointed by the Legislative Council. Nonlegislative members of the advisory committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the Second Regular Session of the Fifty-seventh Idaho Legislature.

**HOUSE CONCURRENT RESOLUTION NO. 12
BY RESOURCES AND CONSERVATION COMMITTEE**

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD RELATING TO QUALIFICATIONS AND LICENSE REQUIREMENTS AND FIRST AID CARDS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Idaho Outfitters and Guides Licensing Board relating to qualifications and license requirements and first aid cards are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 25.01.01, Section 003, subsection 02, a rule of the Idaho Outfitters and Guides Licensing Board relating to qualifications and first aid cards, and IDAPA 25.01.01, Section 004, subsection 01, a rule of the Idaho Outfitters and Guides Licensing Board relating to license

requirements and first aid cards, adopted as pending rules under Docket Number 25-0101-0202, be, and the same are hereby rejected and declared null, void and of no force and effect.

HCR 11 and HCR 12 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 115
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT**

RELATING TO THE CRIME OF SEXUAL CONTACT WITH A PRISONER; AMENDING SECTION 18-6110, IDAHO CODE, TO ADD MANUAL-ANAL AND MANUAL-GENITAL TO THE DEFINITION OF SEXUAL CONTACT; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 116
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT**

RELATING TO LIABILITY FOR EMERGENCY RESPONSE; AMENDING SECTION 6-2401, IDAHO CODE, TO PROVIDE THAT LIABILITY FOR SEARCH AND RESCUE COSTS SHALL NOT APPLY TO ANY PERSON WHO IS AUTHORIZED BY THE LAND OWNER, LESSOR OR MANAGER OF THE CLOSED AREA, TO BE IN THE CLOSED AREA, AND FURTHER SHALL HAVE NO APPLICATION TO ANY FEDERAL, STATE OR LOCAL GOVERNMENT OFFICIAL WHO IS IN THE CLOSED AREA AS PART OF HIS OR HER OFFICIAL DUTY, NOR TO ANY PERSON ACTING IN CONCERT WITH A GOVERNMENT AUTHORIZED SEARCH OR RESCUE.

**HOUSE BILL NO. 117
BY TRAIL
AN ACT**

RELATING TO OPEN PUBLIC MEETINGS; AMENDING SECTION 67-2341, IDAHO CODE, TO PROVIDE THAT ANY 4-H CLUB THAT IS PART OF AN AGRICULTURAL EXTENSION PROGRAM OF A HIGHER EDUCATION INSTITUTION IN IDAHO IS A PUBLIC AGENCY FOR PURPOSES OF OPEN MEETING LAWS AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 118
BY TRAIL
AN ACT**

RELATING TO THE STATE PURCHASING LAW; AMENDING SECTION 67-2349, IDAHO CODE, TO PROVIDE A PURCHASING PREFERENCE FOR RECYCLED MOTOR OIL PRODUCTS; AND AMENDING SECTION 67-5717, IDAHO CODE, TO PROVIDE A PURCHASING PREFERENCE FOR RECYCLED MOTOR OIL PRODUCTS.

HOUSE BILL NO. 119**BY TRAIL****AN ACT**

RELATING TO FISH AND GAME; AMENDING SECTION 36-404, IDAHO CODE, TO STRIKE REFERENCE TO YOUTH SMALL GAME LICENSES AND TO STRIKE REFERENCE TO YOUTH HUNTER EDUCATION GRADUATE LICENSES; AMENDING SECTION 36-406, IDAHO CODE, TO STRIKE REFERENCE TO YOUTH SMALL GAME LICENSES AND TO PROVIDE A CORRECT CODE CITATION; AMENDING SECTION 36-407, IDAHO CODE, TO STRIKE REFERENCE TO NONRESIDENT YOUTH SMALL GAME LICENSES AND TO STRIKE REFERENCE TO YOUTH HUNTER EDUCATION GRADUATE LICENSES; AMENDING SECTION 36-412, IDAHO CODE, TO STRIKE REFERENCE TO YOUTH HUNTER EDUCATION GRADUATE HUNTING LICENSES AND TO PROVIDE THAT THE DEPARTMENT OF FISH AND GAME MAY ALLOW CERTAIN STUDENTS TO PURCHASE JUNIOR HUNTING LICENSES AT A REDUCED FEE; AMENDING SECTION 36-416, IDAHO CODE, TO STRIKE YOUTH SMALL GAME LICENSE FEES, TO STRIKE YOUTH HUNTER EDUCATION GRADUATE HUNTING LICENSE FEES AND TO CORRECT A CODIFIER'S ERROR; AMENDING CHAPTER 4, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-417, IDAHO CODE, TO PROVIDE A GRANDFATHER CLAUSE; AMENDING SECTION 36-1508, IDAHO CODE, TO STRIKE AN EXCEPTION TO A PROHIBITION AGAINST CERTAIN CHILDREN IN POSSESSION OF FIREARMS; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

HOUSE BILL NO. 120**BY TRAIL****AN ACT**

RELATING TO TRAVEL PAY AND ALLOWANCES; AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2358, IDAHO CODE, TO PROVIDE THAT CITIES, COUNTIES AND OTHER POLITICAL SUBDIVISIONS OF THE STATE SHALL FIX RATES OF ALLOWANCE FOR PER DIEM SUBSISTENCE AND MILEAGE AND TO PROVIDE THAT IF NO SUCH RATES ARE FIXED THE RATES SET BY THE STATE BOARD OF EXAMINERS FOR STATE EMPLOYEES SHALL APPLY.

HOUSE BILL NO. 121**BY TRAIL****AN ACT**

RELATING TO TAXATION POLICIES AND ASSISTANCE IN FUNDING PUBLIC SCHOOL AND HIGHER EDUCATION PLANT FACILITIES; PROVIDING A SHORT TITLE; PROVIDING A STATEMENT OF LEGISLATIVE INTENT; REPEALING SECTIONS 63-3622F AND 63-3622G, IDAHO CODE; AMENDING SECTION 63-3622D, IDAHO CODE, TO DELETE REFERENCE TO TWO SALES TAX EXEMPTIONS; AMENDING SECTION 63-3622JJ, IDAHO CODE, TO DELETE REFERENCE TO A

SALES TAX EXEMPTION; AMENDING SECTION 63-3638, IDAHO CODE, TO PROVIDE FOR REMITTANCE OF MONEYS TO THE SCHOOL DISTRICT BUILDING ACCOUNT AND THE PERMANENT BUILDING FUND FOR A TEN YEAR PERIOD AND TO MAKE TECHNICAL CORRECTIONS; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 122**BY BIETER****AN ACT**

RELATING TO CRIMINAL PROCEDURE; AMENDING CHAPTER 25, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-2515B, IDAHO CODE, TO PROVIDE FOR THE TEMPORARY SUSPENSION OF THE DEATH PENALTY AND TO PROVIDE FOR THE IDAHO DEATH PENALTY COMMISSION; AND DECLARING AN EMERGENCY.

H 115, H 116, H 117, H 118, H 119, H 120, H 121, and **H 122** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

HCR 9, by State Affairs Committee, was read the second time by title and filed for third reading.

H 91, by Appropriations Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Denney asked unanimous consent that all bills on the Third Reading Calendar retain their places until Monday, January 27, 2003.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 1 p.m., Monday, January 27, 2003. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 8:19 a.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk